

9528.1987(16)

RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

NOVEMBER 87

1. Section 270.72 Changes in Interim Status

A container storage facility has interim status. the owner wishes to sell one-half of the container storage facility to a person who wishes to set up a solvent recovery operation on the site. The solvent recovery operator wishes to gain interim status for storage by doing this. the old owner will have no operational control or interest in the half of the facility that is sold. The area will now be two facilities under completely separate ownership and operational control. Is this allowed under Section 270.72, changes during interim status?

Yes. There is nothing in the regulations to preclude an existing facility with interim status from selling off part of the facility and transferring interim status for that part of the facility. The new owner operator will have to come into compliance with Part 265, and among other things develop its own closure plan, meet all of the financial responsibility requirements and submit a new Part A for his part of the facility. Any changes that new owner/operator wishes to make at the interim status facility will have to satisfy Section 270.72, which restricts both the types of changes that can be made and the dollar amounts of such changes (i.e., the 50% reconstruction limit).

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